

REMARKS

Summary of Claim Amendments

Claim 1 has been rewritten as new independent claim 43, directed to a graphical-object bearing surface.

In turn, dependent claims 2, 3 and 6 have been rewritten as respective new dependent claims 44, 45 and 46.

Claims 1-6 have been canceled; the subject matter of claims 4, 5 and 6 being redundant over new claim 43, no corresponding new claims have been presented. (Claims 20-42 were canceled by Applicant's preliminary amendment of March 20, 2008.)

Claims 7-10, 12 and 13 have been each amended to accord with new independent claim 43, from which these claims, as originally dependent, now all depend indirectly via claim 46. Claims 11 and 14, meanwhile, have been made dependent on, and revised to accord with, claim 43.

Claim 15 has been amended so as to recite a method of decoding data from the graphical-object bearing surface of claim 14. Claim 15 is thus properly dependent on, as incorporating all of the limitations of, claim 14. Claims 16 through 19 have in turn been amended to recite a method dependent on the method of claim 15.

(As the total number of claims pending upon the present cancelations and additions is seventeen, and only one independent claim is pending, no excess claims fees are due.)

Support for Claim Amendments

Support for new claim 43 should be evident, at least to a person skilled in the art, from studying the present specification; moreover, support may be found from the original independent claims, as follows

digital information carrier	surface
plurality of image objects as constituent elements	patterned graphical objects
cluster information carrier(s) constituted by at least two of the image objects	graphical-object groupings establish clusters
cluster information carriers having bit data	clusters encode information
bit data correlated to relative relationship(s) between said at least two image objects	information encoded by graphical-object groupings predetermined (by the pattern) to interrelate by a clustering definition

Furthermore, it will be understood that support for the recitation that the graphical objects are "recognizable by digital information capturing means" is provided by, for example, paragraph [0064], which states "Each image object is recognized using a very general image-processing method."

Claim Rejections – 35 U.S.C. § 101

Claims 1, 11 and 14 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claim 1 has been canceled. New claim 43 is directed to a "surface bearing graphical objects recognizable by digital information capturing means," and is thus believed to be directed to statutory subject matter—a product, that is, a surface.

Claims 11 and 14 have each been made dependent on claim 43.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,418,244 to *Zhou et al.*

Claims 1-6 have been canceled, and claim 8 now depends from new claim 46, which depends from new independent claim 43.

Zhou et al. is cited, and its relevance discussed, by Applicant in the background section of the present specification.

It is respectfully submitted that now that the sole independent claim, claim 43, is directed to statutory subject matter, this claim now clearly distinguishes the present invention over *Zhou et al.* in the manner that is clear from the description of the present invention in the present specification, as set against the background section thereof.

Claim Rejections – 35 U.S.C. § 103

Claim 11: *Zhou et al.* ' 244 in view of Kuwana '197

Claim 11 was rejected as being unpatentable over *Zhou et al.* in view of U.S. Pat. No. 5,138,197 to Kuwana.

Claim 11, formerly dependent, now depends from new claim 43, which is believed to be allowable for the reasons argued above.

Allowable Subject Matter

Applicant gratefully acknowledges that claims 7, 9, 10, 12 and 13 are allowed, but respectfully submits that the present reply submits an amended set of claims all of which should be held allowable.

Conclusion

Accordingly, Applicant courteously urges that this application is in condition for allowance. Reconsideration and withdrawal of the rejections is requested. Favorable action by the Examiner at an early date is solicited.

Respectfully submitted,

April 30, 2009

/James Judge/

James W. Judge
Registration No. 42,701

JUDGE PATENT ASSOCIATES
Dojima Building, 5th Floor
6-8 Nishitemma 2-Chome, Kita-ku
Osaka-shi 530-0047
JAPAN

Telephone: **(305) 938-7119**
Voicemail/Fax: **(703) 997-4565**